

**REMARKS**

Applicants and the undersigned are most grateful for the time and effort afforded this application by the Examiner. Claims 1-29 are pending in this application. Claims 1-29 stand finally rejected in the outstanding Office Action. In response, Applicants file herewith a Request for Continued Examination and this Amendment. Applicants respectfully request reconsideration and withdrawal of the rejections in light of the foregoing amendments and the following remarks.

It should be noted that Applicants have amended and cancelled certain claims in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the instant application. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications. Applicants specifically state no amendment to or cancellation of any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

**Rejections under 35 U.S.C. § 102(b)**

Claims 1-13, 15-27 and 29 stand rejected under 35 USC 102(b) as being anticipated by Haritsa et al. (US Patent Pub. No. 2002/004030) (hereinafter "Haritsa"). Applicants respectfully request reconsideration and withdrawal of these rejections.

As best understood, Haritsa teaches a method for improved call handling based upon a caller's demographic information. *Haritsa*, Abstract. Information related to the caller's unique demographic profile is used to decide how to respond to the caller for improved business performance. *Id.* However, Haritsa teaches that a caller's speech is recorded, a caller's entire input speech signal is scored against HMMs, one or more non-conflicting models are chosen, and the caller is directed to a destination based in part on the chosen models. *Id.* at Fig. 2 and accompanying text. Thus, Haritsa does not teach or suggest that an individual's identity may be incrementally determined based upon an increasing amount of input data available to the system.

The teachings of Haritsa thus stand in stark contrast to the instantly claimed invention. Nowhere does Haritsa teach or imply that the system, rather than using a single input of a user and comparing that information to multiple models, should provide for "narrowing down the possible class of user identities, in a refined fashion, as the user speaks, walks, types or performs some other function." *Specification*, pp. 2, lines 15-16. According to at least one embodiment of the instant invention, "the system gradually determines confidently that the user belongs to additional groups, until it potentially determines confidently who the user is. The process can be likened to an application of successive sieves that filter speaker characteristics with increasing precision." *Id.* at pp. 4, lines 8-12. Thus, Haritsa at the very least fails to teach a "profiling system that is able to provide information about the user in an *incrementally* refined manner." *Id.* at pp. 3, lines 5-6. The cited portions of Haritsa do not teach a repeated refining, dependent on the amount of data input over time, as defined by the specification and claimed.

Nonetheless, solely in order to facilitate expeditious prosecution of the instant application, the independent claims have been amended. Claim 1 now recites, *inter alia*,

*utilizing a processor to execute a program of instructions tangibly stored on a storage medium of a computer to perform method steps, the method steps comprising: (a) accepting an input from an individual; (b) attributing a user group to the individual based upon the input; (c) issuing a cue associated with the user group; and (d) repeating steps (a) - (c) until the identity of the individual is assessed, the identity being assessed incrementally over a period of time via a series of issued cues.*

Claim 1 (emphasis added). The remaining independent claims contain similar limitations. Nowhere does Haritsa teach or suggest a system that can incrementally determine with increasing confidence an individual's identity via repeated grouping based upon an increasing amount of available input data. Therefore, Applicants respectfully request reconsideration and withdrawal of these rejections.

Applicants also take this opportunity to briefly note that the dependent claims have also been amended in various respects solely in order to facilitate expeditious prosecution of this application. Applicants respectfully submit that, in addition to being dependent from what are believed to be allowable independent claims, these dependent claims contain additional novel features not taught or suggested by the art of record or the state of the art.

Applicants also briefly note that new claims 30-32 have been added to the claim set. Applicants respectfully submit that, in addition to being dependent from what are believed to be allowable independent claims, these dependent claims contain additional novel features not taught or suggested by the art of record or the state of the art.

**Rejections under 35 U.S.C. § 103(a)**

Claims 10 and 24 stand rejected under 35 USC 103(a) as being unpatentable over Haritsa. Claims 14 and 28 stand rejected under 35 USC 103(a) as being unpatentable over Haritsa in view of Teunen (US Patent Pub. No. 2005/0132235) (hereinafter “Teunen”). Applicants respectfully request reconsideration and withdrawal of these rejections.

As noted above, Haritsa is incapable of anticipating the instantly claimed invention. Moreover, even when considering Haritsa in some modified form under 35 U.S.C. § 103(a), Haritsa is incapable of rendering the instantly claimed invention obvious. The deficiencies of Haritsa summarized above are not overcome by assuming that one could use partial confidential information, as the Examiner suggests. This would not have been obvious; however, even assuming it were, it would not render the instantly claimed invention obvious under 35 U.S.C. § 103(a), as the teachings of Haritsa contain the shortcomings noted above.

Applicants briefly note that nothing in Teunen accounts for the shortcomings of Haritsa as briefly summarized above. Therefore, Teunen, taken either alone or in any combination with Haritsa, is incapable of rendering the instantly claimed invention obvious under 35 U.S.C. § 103(a). Therefore, Applicants respectfully request reconsideration and withdrawal of the rejections based upon the combination of Haritsa and Teunen.

Applicants take this opportunity to briefly comment on the shortcomings of Teunen. As best understood, Teunen teaches a method of improving the accuracy of

speaker authentication by combining the results of multiple verification sources using statistical modeling. *Teunen*, Abstract. Teunen teaches combining verification sources to produce a more accurate authentication; that is, a knowledge model (e.g. an automatic number identification) and a voice model may both be utilized. *Id* at [0017].

Teunen thus stands in stark contrast to the instantly claimed invention for at least the reason that the instantly claimed invention, rather than taking multiple verification sources in combination, utilizes a system that gradually determines confidently that the user belongs to additional groups, until it potentially determines confidently who the user is, based upon an increase in available input. *Specification*, pp. 4, lines 8-12.

In summary, Applicants respectfully submit that the instantly claimed invention is not obvious in view of Harits, Teunen, or any combination thereof.

#### **Request for Telephone Interview**

Applicants respectfully request that if the Examiner, after taking up and considering the amendments presented herein, finds that there are outstanding issues precluding this application from being in condition for allowance, that the Examiner contact the undersigned to schedule a telephone interview.

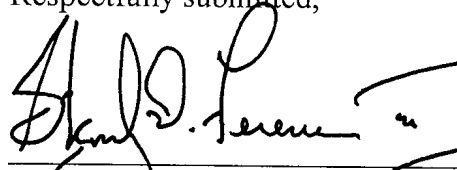
#### **Conclusion**

Applicants respectfully submit that the independent claims, as amended, incorporate language sufficient to place the application in condition for allowance. These amendments have been submitted in an effort to more clearly point out the distinguishing

features of the claimed invention and facilitate expeditious prosecution of the instant application.

In summary, it is respectfully submitted that the instant application, including Claims 1-10, 12-21 and 26-32, is presently in condition for allowance. Notice to that effect is hereby earnestly solicited. If there are any further issues in this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stanley D. Ference III", is written over a horizontal line.

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